

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN SCHULER, JR.,

Defendant.

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ORDER

93-cr-105-jcs

On May 12, 2009 I granted defendant John Schuler, Jr.'s motion for reconsideration but affirmed the denial of his motion pursuant to 18 U.S.C. § 3582 because Amendment 7099, which makes certain changes in U.S.S.G. § 4A1.2(c)(1) and (2) (the guideline governing the calculation of criminal history points for offenses that are consolidated for sentencing) is not retroactive. He now moves for reconsideration of my May 12 order. Defendant's motion must be denied. As I stated previously the Sentencing Commission did not make the change in § 4A1.2(c)(1) and (2) retroactive.

ORDER

IT IS ORDERED that defendant's motion for relief from final judgment, dkt. #78,

is DENIED.

Entered this 27<sup>th</sup> day of May, 2009.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge